



**MOTIONS**  
**2014 ANNUAL TOWN MEETING**  
**DRAFT as of April 10, 2014**  
*(Subject to Change)*

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**PRELIMINARY MOTION**

**ORDER OF THE ARTICLES**

MOVED: That the Town Meeting hear the motions in the following order: *(Majority vote)*

1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20  
21, 22, 23, 24, 25, 26, 27, 3, 14

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**ARTICLE 1:**

**REPORTS**

MOVED: That the reports of the Selectmen and other Town Officers, departments and committees for the year 2013 be accepted. *(Majority vote)*

MOVED: That Article 1 motion be laid on the table. *(Majority vote)*

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**ARTICLE 2:**

**AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS**

MOVED: That the Board of Selectmen be, and it hereby is, authorized to bring and defend actions for and against the Town, to submit any such claims to arbitration and to enter into settlement on account of the same in behalf of the Town as and when it deems it for the best interest of the Town to do so; said power shall be vested solely in the Board of Selectmen. *(Majority vote)*

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**ARTICLE 4:**

**USE OF PUBLIC LAND BYLAWS – LONE TREE HILL,  
BELMONT CONSERVATION LAND**

MOVED: That under Article 4, the reading of the proposed amendment to Article 10 of the Town's General Bylaws pertaining to "Use of Town Property" be dispensed with, the same being set forth in full under Article 4 in the Warrant for this meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town vote to amend the General Bylaws by inserting a new Article 10, "Use of Town Property", as set forth in full under Article 4 in the Warrant for this Meeting and further that the Bylaw Review Committee may approve nonsubstantive changes to the numbering of this Bylaw in order that it be in compliance with the numbering format of the General Bylaw of the Town of Belmont.  
*(Majority vote)*

Reporting: Bylaw Review Committee

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**ARTICLE 5: AMEND GENERAL BYLAWS FOR “CRIMINAL HISTORY CHECKS”, §60-905**

MOVED: That under Article 5, the reading of the proposed amendment to Article 9 of the Town’s General Bylaws pertaining to “Criminal History Checks” be dispensed with, the same being set forth in full under Article 5 in the Warrant for this meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town vote to amend §60-905 of the General Bylaws to correct clerical errors as set forth in full under Article 5 in the Warrant for this Meeting and further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this Bylaw in order that it be in compliance with the numbering format of the General Bylaw of the Town of Belmont. (*Majority vote*)

Reporting: Bylaw Review Committee

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**ARTICLE 6: CITIZENS’ PETITION - DELETE GENERAL BYLAWS  
§ 60-800 I. RESIDENTIAL SNOW REMOVAL**

MOVED: That under Article 6, the reading of the proposed amendment to Article 9 of the Town’s General Bylaws pertaining to “Residential Snow Removal” be dispensed with, the same being set forth in full under Article 6 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: To amend Section 60-800 of the General Bylaws by:

(a) striking Subsection I therefrom in its entirety;

(b) redesignating Subsection J thereof as “Subsection I” and amending said Subsection as follows:

- I. In addition to the provisions for enforcement set forth elsewhere in this Section, the requirements of Subsections A, B, D(2), E(2), G and H of this Section and any regulations adopted thereunder may also be enforced by noncriminal disposition as provided in MGL c. 40, § 21D (“§ 21D”). The penalty for such violation shall be \$300 for each offense. Each day or part thereof shall constitute a separate offense.
  - (1) An Enforcing Person taking cognizance of a violation of Subsection A, B, D(2), E(2), G or H or any rule or regulation adopted thereunder shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of § 21D are incorporated herein by reference.
  - (2) “Enforcing Person,” as used in this Subsection, shall mean any police officer of the Town, the Director of Public Works and any other Town employee designated by the Board of Selectmen as an enforcing person.

and further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this Bylaw in order that it be in compliance with the numbering format of the General Bylaw of the Town of Belmont.

*(Majority vote)*

Reporting: Bylaw Review Committee

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## **ARTICLE 7: CITIZENS' PETITION - GENERAL BYLAWS REGARDING YARD SALES**

MOVED: That under Article 7, the reading of the proposed amendment to Article 9 of the Town's General Bylaws pertaining to "Yard Sales, Garage Sales and Tag Sales" be dispensed with, the same being set forth in full under Article 7 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: To amend Chapter 60 of the General Bylaws by amending Article 9 by adding the following new section:

### **Article 9**

#### **§ 60-910 Private Sales**

##### **A. Purpose**

The purpose of this Section is to continue to allow private citizens, civic groups and neighborhood groups to conduct private sale events known variously as garage sales, yard sales, tag sales, driveway sales, and moving sales (collectively referred to herein as "Private Sales"), so long as they are carried out in conformity with the Town's bylaws and is respectful of neighbors. Neighboring residents' willingness to tolerate these sales cheerfully can be expected only if they take place infrequently.

##### **B. Application**

(1) Any person or group intending to hold a Private Sale shall obtain a permit therefor from the Town Clerk. No more than three permits per calendar year may be issued for Private Sales at a single address. Copies of the issued permit shall be sent by the Town Clerk to the Police Department.

(2) Any person or group holding a Private Sale shall take appropriate steps to avoid creating traffic congestion, unsafe parking conditions, unreasonable noise or other neighborhood nuisance.

(3) A single Private Sale may be held over the course of a Saturday and Sunday in a single weekend. Sale hours shall not commence before 8:30 a.m. and shall end each day by 5:30 p.m. All unsold items or objects from the sale shall be stored out of public view by 6:00 p.m.

(4) All signs erected or posted in connection with a Private Sale shall be promptly removed at the end of the sale.

(5) If it is substantiated that a person or group is holding a Private Sale without a permit issued pursuant to this Section the Belmont Police are authorized to order the sale to cease immediately. Thereafter, any person or group attempting to reestablish a Private Sale at the same address during the calendar year without a permit shall be subject to a fine of \$300 for each violation.

(6) The Belmont Police are authorized to enforce this Section by issuing non-criminal citations as provided in M.G.L. c. 40, § 21D. The penalty for any violation of this Section shall be \$50 for each offense.

“and further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this Bylaw in order that it be in compliance with the numbering format of the General Bylaw of the Town of Belmont.”

*(Majority vote)*

Reporting: Bylaw Review Committee

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**ARTICLE 8: AMEND GENERAL BYLAWS FOR “ANIMALS”, §60-200**

MOVED: That under Article 8, the reading of the proposed amendment to Article 2 of the Town’s General By-Laws pertaining to “Pets and Other Animals” be dispensed with, the same being set forth in full under Article 8 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town vote to delete Chapter 60, Article 2 of the General Bylaws Section 60-200 “Pets and Other Animals” and Section 60-205 “Kennels” and replace with Sections as set forth in full under Article 8 in the Warrant for this Meeting and further that the Bylaw Review Committee may approve non-substantive changes to the numbering of this Bylaw in order that it be in compliance with the numbering format of the General Bylaw of the Town of Belmont. *(Majority vote)*

Reporting: Bylaws Review Committee

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**ARTICLE 9: ALLOW KENNELS BY SPECIAL PERMIT IN CERTAIN DISTRICTS**

MOVED: That under Article 9, the reading of the proposed amendment of the Town’s Zoning By-Law pertaining to “Sections 1.4 and 3.3” be dispensed with, the same being set forth in full under Article 9 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. *(Majority vote)*

MOVED: That the Town vote to amend the Zoning By-Law:

1. Section 1.4, Definitions and Abbreviations, by inserting after the definition for ‘Height, Building’, definitions for ‘Kennel’ and for five (5) types of Kennels, ‘Commercial Boarding or Training’, ‘Commercial Breeder’, ‘Domestic Charitable Corporation’, and ‘Personal’, and
2. Section 3.3, Schedule of Use Regulations, in the ‘Business’ category, by inserting the new uses ‘Kennels’ and the four sub types of Kennels after the use ‘Solar Energy System’ and in the ‘Accessory Uses’ category insert the new use ‘Personal Kennel’ after the use ‘Commercial provision for the care and recreation of dogs,

as set forth in full under Article 9 in the Warrant for this Meeting. *(Two-thirds vote)*

Reporting: Planning Board

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**ARTICLE 10: CHANGE HOME OCCUPATION CERTIFICATE EXPIRATION**

MOVED: That the Town vote to amend Section 3.4.2 of the Zoning By-Law, Home Occupations, as set forth in full under Article 10 in the Warrant for this Meeting. *(Two-thirds vote)*

Reporting: Planning Board

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**ARTICLE 11: ALLOW SHARED DRIVEWAYS BY SPECIAL PERMIT IN RESIDENTIAL DISTRICTS**

MOVED: That under Article 11, the reading of the proposed amendment to the Town's Zoning By-Law pertaining to "Sections 1.4, 3.3, and 5.1.3" be dispensed with, the same being set forth in full under Article 11 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town vote to amend the Zoning By-Law:

1. Section 1.4, Definitions and Abbreviations, by inserting after the definition for 'Development' a new definition for 'Driveway, Shared',
2. Section 3.3, Schedule of Use Regulations, in the 'Accessory Uses' category insert the new use 'Shared Driveway' after the use 'Solar Energy System', and
3. Section 5.1.3, Parking and Loading Area Location and Design, by inserting a new subsection 'k) Shared Driveway',

as set forth in full under Article 11 in the Warrant for this Meeting. (*Two-thirds vote*)

Reporting: Planning Board

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**ARTICLE 12: CREATE A MEDICAL MARIJUANA OVERLAY DISTRICT**

MOVED: That under Article 12, the reading of the proposed amendment to the Town's Zoning By-Law pertaining to "Sections 1.4, 3.3, and 6E" be dispensed with, the same being set forth in full under Article 12 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town vote to amend the Zoning By-Law:

1. Section 1.4, Definitions and Abbreviations, by inserting after the definition for 'Premises' a new definition for 'Registered Marijuana Dispensary',
2. Section 3.3, Schedule of Use Regulations, by inserting the new use 'Registered Marijuana Dispensary' after 'Solar Energy System', and
3. By inserting a new Section 6E, 'Medical Marijuana Overlay District', after a proposed new Section 6D, 'Single and Two Family Dwellings in the General Residence Zoning Districts,

as set forth in full under Article 12 in the Warrant for this Meeting. (*Two-thirds vote*)

Reporting: Planning Board

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**ARTICLE 13: REQUIRE 'AS-BUILT' PLAN SUBMISSION AND APPROVAL**

MOVED: That under Article 13, the reading of the proposed amendment to the Town's Zoning By-Law pertaining to "Section 4.1" be dispensed with, the same being set forth in full under Article 13 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town vote to amend Section 4.1 of the Zoning By-Law, General Requirement, by inserting a new paragraph after the existing paragraph that will require submission and approval of an 'as-built' plan to verify that any new building comply with the dimensional regulations contained in Section 4.2 as set forth in full under Article 13 in the Warrant for this Meeting. *(Two-thirds vote)*

Reporting: Planning Board

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**ARTICLE 15: FY15 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS**

MOVED: That the Town reserve for appropriation the following amounts from estimated FY15 receipts of **\$1,129,974** as recommended by the Community Preservation Committee:

1. \$112,997 for acquisition, creation and preservation of open space and for recreational use;
2. \$112,997 for the acquisition, preservation, rehabilitation and restoration of historic resources;
3. \$112,997 for the creation, preservation and support of community housing;
4. \$734,485 to the budgeted reserve; and
5. \$56,498 to be appropriated for the Administrative Expenses and all other necessary proper expenses of the Community Preservation Committee for FY15

*(Majority vote)*

MOVED: That the Town reserve for appropriation the following amounts from FY13 receipts of **\$232,884** as recommended by the Community Preservation Committee:

1. \$23,288 for acquisition, creation and preservation of open space and for recreational use;
2. \$23,288 for the acquisition, preservation, rehabilitation and restoration of historic resources;
3. \$23,288 for the creation, preservation and support of community housing;
4. \$163,020 to the budgeted reserve.

*(Majority vote)*

MOVED: a) That **\$8,700** be appropriated for the JV Field Irrigation Upgrade and to meet this appropriation, **\$8,700** be appropriated from the Open Space/Recreation Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: b) That **\$165,000** be appropriated for the Belmont Housing Authority for an internal electric service upgrade at Belmont Village, and to meet this appropriation, **\$165,000** be appropriated from the Community Housing Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: c) That **\$66,524** be appropriated for the Daniel Butler School Playground Project and to meet this appropriation, **\$66,524** be appropriated from the Open Space/Recreation Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: d) That **\$100,000** be appropriated for the Winn Brook Field Recreation Project and to meet this appropriation, **\$100,000** be appropriated from the Open Space/Recreation Reserve Account of the Community Preservation Fund. *(Majority vote)*

MOVED: e) That **\$375,000** be appropriated for the First Time Homebuyer Assistance Program for three individual awards and to meet this appropriation, **\$135,134** be appropriated from the Community Housing Reserve Account, **\$171,296** be appropriated from the Budgeted Reserve, and **\$68,570** be appropriated from the Undesignated Account of the Community Preservation Fund. (*Majority vote*)

MOVED: f) That **\$12,000** be appropriated for the Belmont Community Moving Image Archive and to meet this appropriation, **\$12,000** be appropriated from the Historic Preservation Reserve Account of the Community Preservation Fund. (*Majority vote*)

Reporting: Warrant Committee, Community Preservation Committee, and Capital Budget Committee

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**ARTICLE 16: FY15 COMMUNITY PRESERVATION COMMITTEE BUDGET & PROJECTS - UNDERWOOD POOL**

MOVED: That **\$2,000,000** be appropriated for the Underwood Pool and Park Project and to meet this appropriation, **\$75,818** be appropriated from the Open Space/Recreation Reserve Account, **\$239,042** be appropriated from the Historic Preservation Reserve Account, **\$1,527,998** be appropriated from the Budgeted Reserve, and **\$157,142** be appropriated from the Undesignated Account of the Community Preservation Fund. (*Majority vote*)

Reporting: Warrant Committee, Community Preservation Committee, and Capital Budget Committee

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**ARTICLE 17: UNDERWOOD POOL PROJECT APPROPRIATION BY BORROWING**

MOVED: That **\$2,902,000** be appropriated for the purpose of Design, Demolition and Reconstruction of the Underwood Pool facility on Cottage Street and further to meet this appropriation the Town Treasurer with the approval of the Board of Selectmen, is authorized to borrow a sum of **\$2,902,000** and issue bonds or notes under the provision of Chapter 44 of the General Laws or any enabling authority; that the Treasurer, with the approval of the Board of Selectmen, and in connection therewith, is authorized to enter into loan agreement; and that the Board of Selectmen is authorized to expend all funds for the projects and to take any action necessary to carry out the project. (*Two-thirds vote*)

Reporting: Warrant Committee and Community Preservation Committee

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**ARTICLE 3: AMENDMENT TO MINUTEMAN REGIONAL VOCATIONAL HIGH SCHOOL REGIONAL AGREEMENT**

MOVED: That under Article 3, the reading of the proposed amendment to Section VII of the existing "Agreement With Respect to the Establishment of a Technical and Vocational Regional School District" be dispensed with, the same being distributed to each Town Meeting Member in addition to the Warrant under Article 3 for this meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town, acting consistent with Section VII of the existing "Agreement With Respect to the Establishment of a Technical and Vocational Regional School District" for the Minuteman Regional Vocational School District, accepts the amendments to said

Agreement which have been initiated and approved by a vote of the Minuteman Regional School Committee on March 11, 2014 and which have been submitted to the Selectmen as a restated "Regional Agreement" bearing the date of March 11, 2014. (*Majority vote*)

Reporting: Belmont's Regional School Committee Representative and the Warrant Committee

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**ARTICLE 14: ADDRESS CITIZENS' PETITION FROM 2013 SPECIAL TOWN MEETING**

MOVED: That under Article 14, the reading of the proposed amendment to the Town's Zoning By-Law pertaining to "Sections 1.4, 1.5.4, 3.3, 4.2, 4.3.4, and 6D" be dispensed with, the same being set forth in full under Article 14 in the Warrant for this Meeting and having been distributed to each Town Meeting Member. (*Majority vote*)

MOVED: That the Town vote to amend the Zoning By-Law:

1. Section 1.4, Definitions and Abbreviations, by inserting after the definition for 'Dwelling' new definitions for 'Dwelling, Single-Family' and 'Dwelling, Two-Family',
2. Section 1.4, Definitions and Abbreviations, by inserting after the definition for 'Swimming Pool' a new definition for 'Townhouse',
3. Section 1.5.4, Nonconforming Single and Two-Family Residential Structures, by inserting a new paragraph at the beginning of the Section,
4. Section 3.3, Schedule of Use Regulations, by inserting '(see §6D)', a reference to Section 6D, after the use 'Detached single-family dwelling' and 'Two-family dwelling' and by changing the 'Y' to 'SP' for 'Two-family dwelling' in the GR Districts,
5. Section 4.2, Schedule of Dimensional Regulations, by deleting this Section in its entirety and replacing it with a new Section 4.2, Schedule of Dimensional Regulations,
6. Section 4.3.4, Exception for Recorded Lots, by deleting the third paragraph and associated criteria, and
7. By inserting a new Section 6D, Single and Two-Family Dwellings in the General Residence Zoning Districts, after Section 6C, The Oakley Neighborhood Smart Growth Overlay District,

as set forth in full under Article 14 in the Warrant for this Meeting. (*Two-thirds vote*)

Reporting: Planning Board